

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ELAINE L CHAO,

Plaintiff,

v.

Case No. 08-C-319

DOERING'S INC., et al.,

Defendants.

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**ORDER**

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Plaintiff Hilda L. Solis, Secretary of Labor, United States Department of Labor ("Secretary"), having filed her complaint; defendant Doering's, Inc. ("Doering's"), among others, Doering's, having been duly served with a copy of the complaint and summons; defendant Doering's having failed to plead or otherwise defend within the time prescribed by law; default of the defendant having been entered by the Clerk of Court on October 14, 2008; and the truth of the allegations contained in the Secretary's complaint having been verified by the attached declaration of the Employee Benefits Security Administration investigator; now, therefore upon application of the Secretary and for cause shown, the motion for default judgment is GRANTED. IT IS ORDERED THAT JUDGMENT BE ENTERED against the defendant Doering's, in accordance with the prayer of the complaint in the above-styled action, as follows:

It is ORDERED, ADJUDGED, AND DECREED that:

A. Defendant Doering's is permanently enjoined from violating the provisions of Title I of ERISA;

B. Defendant Doering's is hereby ordered to correct any prohibited transactions in which it engaged or for which it is liable, including disgorgement of any profits derived there from;

C. Defendants Doering's is liable for and is hereby ordered to immediately restore a total of \$1,358.91 in unremitted employee contributions and lost opportunity costs for the period from August 28, 2004 through March 16, 2005 to the Doering's, Inc. Retirement Plan, including lost opportunity costs, for losses resulting from fiduciary breaches committed by Doering's.

D. Immediately upon service of the default judgment upon the defendant, Doering's shall provide proof of payment of the total amount owed pursuant to this judgment to Steven L. Haugen, Regional Director, Employee Benefits Security Administration located at 200 West Adams St.; Suite 1600, Chicago, IL 60606.

E. The Secretary is hereby awarded her attorney fees and the costs of this action.

F. Nothing in this default judgment is binding on any government agency other than the United States Department of Labor.

G. Nothing in this default judgment shall waive or restrict the liability of the remaining defendants in this action.

H. The Court retains jurisdiction for purposes of enforcing compliance with the terms of the Default Judgment;

**SO ORDERED** this 8th day of June, 2009.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge